

## REMARKS

### **Summary of the Office Action**

Claim 34 is objected to because of informalities.

Claims 1-3, 9-10 and 34-35 stand rejected under the judicially created doctrine of obviousness-type double patenting as allegedly being unpatentable over claims 1-23 of U.S. Patent No. 6,669,350 (hereinafter "Patent '350").

Claims 1-3, 9-10 and 34-35 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Atsushi Saito (JP 2001-143512A) (hereinafter "Saito").

### **Summary of the Response to the Office Action**

Applicants have amended claim 34 in response to the Examiner's allegation set forth in Section 4 of the Office Action.

Applicants respectfully note that, on October 14, 2005, in response to the Office Action dated June 14, 2005, Applicants submitted a Terminal Disclaimer to obviate the obviousness-type double patenting rejection over Patent '350 and a verified translation of the Japanese Patent Application No. 2000-380893 to disqualify Saito as prior art.

Accordingly, claims 1-3, 9-10 and 34-35 remain pending in this application for further consideration.

**Objection to Claim 34**

The Office Action objects to claim 34 because of informalities. Applicants have amended claim 34 in view of the Examiner's allegations set forth in the Section 4 of the Office Action. Accordingly, it is respectfully requested that the objection to claim 34 be withdrawn.

**Double Patenting Rejection**

Claims 1-3, 9-10 and 34-35 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-23 of Patent '350. Applicants respectfully note that, on October 14, 2005, in response to the previous Office Action issued June 14, 2005, Applicants submitted a Terminal Disclaimer to obviate the obviousness-type double patenting rejection over Patent '350. Further, in the Office Action dated December 29, 2005, the Examiner indicated that "Applicant's arguments, see the REMARKS, filed 10/14/2005, with respect to the rejection(s) of claim(s) 1-33 under the judicially created doctrine of obviousness-type double patenting ..... have been fully considered and are persuasive. Therefore, the rejection has been withdrawn."

Accordingly, Applicants respectfully submit that the obviousness-type double patenting rejection based on Patent '350 be withdrawn.

**All Claims Define Allowable Subject Matter**

Claims 1-3, 9-10 and 34-35 stand rejected under 35 U.S.C. §102(a) as allegedly being anticipated by Saito.

In the Office Action dated June 14, 2005, the Examiner rejected claims 1-3, 9-10, 23-25 and 31-32 under 35 U.S.C. § 102(a) as anticipated by Saito. In a response to the Office Action on October 14, 2005, Applicants submitted a verified English-language translation of priority document of the present application to thereby disqualify Saito as prior art. Further, in the Office Action dated December 29, 2005, the Examiner indicated that "Applicant's arguments, see the REMARKS, filed 10/14/2005, with respect to ..... the rejection of claims 1-3, 9-10, 23-25 and 31-32 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn."

For at least the reasons set forth above, Applicants respectfully assert that the rejection of claims 1-3, 9-10 and 34-35 under 35 U.S.C. § 102(a) should be withdrawn because the applied reference is improper prior art, as already admitted by the Examiner.

With no other rejections pending, Applicants respectfully assert that claims 1-3, 9-10 and 34-35 are in condition for allowance.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully request reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of the response, the Examiner is invited to contact the Applicants' undersigned representative to expedite prosecution.

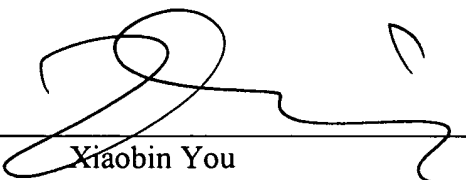
If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time

under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By: \_\_\_\_\_



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Dated: November 27, 2006

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